

**SENATE JOURNAL  
61ST LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 14, 2009

Senate Chambers  
State Capitol

Senate convened at 8:30 a.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Windy Boy, excused. Quorum present.

**BILLS AND JOURNALS:**

4/14/2009

Correctly printed: **SJR 37, SJR 38, HB 262, HB 312, HB 657.**

Correctly engrossed: **HB 2, HB 5, HB 10, HB 11, HB 128, HB 152, HB 224, HB 258, HB 315, HB 459, HB 464, HB 636, HB 645, HB 662, HB 676.**

Correctly enrolled: **SB 79, SB 234, SB 350, SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

Correctly enrolled: **SB 65, SB 73, SB 108, SB 198, SB 231, SB 430.**

Examined by the sponsor and found to be correct: **SB 79, SB 234, SB 350, SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

Examined by the sponsor and found to be correct: **SB 65, SB 73, SB 108, SB 198, SB 231, SB 430.**

Signed by the Speaker at 2:00 p.m., April 14, 2009: **SB 8, SB 32, SB 86, SB 281, SB 286, SB 349, SB 442.**

Signed by the Secretary of the Senate at 12:25 p.m., April 9, 2009: **SB 8, SB 32, SB 86, SB 281, SB 286, SB 349, SB 442, SR 32.**

Signed by the President at 2:00 p.m., April 9, 2009: **SB 8, SB 32, SB 86, SB 281, SB 286, SB 349, SB 442, SR 32.**  
Delivered to the Secretary of State at 3:24 p.m., April 14, 2009: **SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

Delivered to the Governor for approval at 3:45 p.m., April 14, 2009: **SB 8, SB 32, SB 86, SB 281, SB 286, SB 349, SB 442.**

Signed by the Speaker at 4:00 p.m., April 14, 2009: **SB 79, SB 350.**

Signed by the President at 12:45 p.m., April 14, 2009: **SB 79, SB 350.**

Signed by the Secretary of the Senate at 9:35 a.m., April 14, 2009: **SB 79, SB 350.**

Signed by the Secretary of the Senate at 10:25 a.m., April 14, 2009: **SB 234.**

Signed by the President at 12:30 p.m., April 14, 2009: **SB 234.**

Signed by the Speaker at 4:00 p.m., April 14, 2009: **SB 234.**

Signed by the President at 12:45 p.m., April 14, 2009: **SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

Signed by the Secretary of the Senate at 9:35 a.m., April 14, 2009: **SR 11, SR 12, SR 13, SR 21, SR 22, SR 23, SR 28.**

Signed by the Speaker at 4:30 p.m., April 14, 2009: **SB 65, SB 73, SB 108, SB 198, SB 231, SB 430.**

Signed by the President at 3:00 p.m., April 14, 2009: **SB 65, SB 73, SB 108, SB 198, SB 231, SB 430.**

Signed by the Secretary of the Senate at 2:50 p.m., April 14, 2009: **SB 65, SB 73, SB 108, SB 198, SB 231, SB 430.**

**LEGISLATIVE ADMINISTRATION (Curtiss, Chairman):**

4/14/2009

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Thursday, April 9, 2009:

TITLE

NAME

Pages:

Hannah Goodman, Helena  
Kiah Marie Abbey, Billings

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Robbyn L. Reukauf, Terry  
Madison Wittich, Bozeman  
Joe J. Newman, Butte  
Brinna L. Boettger, Lewistown

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Tuesday, April 14, 2009:

<u>TITLE</u>	<u>NAME</u>
Pages:	Chelsea Smith-West, White Sulphur Springs
	Joel Colbert, Missoula
	Jordan Larsen, Geraldine
	Lane Nordlund, Lewistown
	Matt Wier, Great Falls
	Caitlin Haaland, Melstone

Report Adopted.

**MESSAGES FROM THE GOVERNOR**

April 9, 2009

The Honorable Bob Bergren  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Robert Story  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 98, **"AN ACT AUTHORIZING STATE AGENCIES TO ENTER INTO ENERGY PERFORMANCE CONTRACTS; AND AMENDING SECTIONS 18-2-101, 18-4-132, 90-4-1101, 90-4-1102, 90-4-1103, 90-4-1104, 90-4-1105, 90-4-1106, 90-4-1107, 90-4-1108, AND 90-4-1109, MCA"** for the following reasons.

House Bill 98 authorizes state agencies to enter into energy performance contracts, which under current law may be entered into by local governments. My amendment provides an immediate effective date, in order that contracts can be entered into by the state immediately under the American Recovery and Reinvestment Act of 2009.

I have discussed my proposed amendment with the sponsor of the bill, Rep. Dick Barrett, who supports the amendment

Sincerely,

BRIAN SCHWEITZER  
Governor

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GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 98

Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Greg Petesch  
May 6, 2009 (12:27pm)

2. Title, line 6.

**Strike:** "AND"

3. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 8, line 20.

**Insert:** "NEW SECTION. Section 14. {standard} Effective date. [This act] is effective on passage and approval."

MESSAGES FROM THE OTHER HOUSE

**Senate amendments to House bills** concurred in:

4/9/2009

**HB 269**, introduced by Mehlhoff

**HB 449**, introduced by McChesney

**HB 608**, introduced by Sesso

**Senate bill** concurred in and returned to the Senate:

4/14/2009

**SB 234**, introduced by Gillan

**Free Conference Committee Report No.1** adopted:

4/14/2009

**SB 108**, introduced by Jent

**HB 531** - The House failed to concur in Senate amendments to **HB 531**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 531**:

4/9/2009

Representative Kottel, Chair

Representative Ankney

Representative Nooney

Representative Phillips

Representative Sonju

**Senate bills** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/9/2009

**SB 131**, introduced by Williams

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**SB 176**, introduced by Perry

**Senate bills not concurred in** and returned to the Senate: 4/9/2009

**SB 229**, introduced by Perry

**SB 249**, introduced by Curtiss

**Free Conference Committee Report No.1** adopted on Third Reading: 4/9/2009

**SB 108**, introduced by Jent

**Conference Committee Report No.1** adopted on Third Reading: 4/9/2009

**SB 73**, introduced by Hawks

**HB 228**, introduced by Kerns

**HB 622**, introduced by Himmelberger

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 37**, introduced by Shockley (by request of Senate State Administration Standing Committee), referred to State Administration.

**MOTIONS**

Senator Peterson moved the Senate recess for caucuses. Motion carried.

Senate in recess.

Senate reconvened.

Roll Call. All members present. Quorum present.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 2** concurred in, as amended, as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 26

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 24

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 9** concurred in, as amended, as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, Brueggeman, Cooney, Curtiss, Erickson, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 40

Nays: Balyeat, R. Brown, T. Brown, Essmann, Hinkle, Jackson, McGee, Shockley, Tutvedt, Mr. President.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator R. Brown introduced the Pages for the week of April 14-18, 2009.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 645** - Senator Esp moved **HB 645** be concurred in.

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page E-4.

**Following:** line 5

**Insert:** "Total fiscal year 2010 expenditures from the line item Stabilization Funding for K-12 Education may be included in the base budget for the purposes of 17-7-111 for the 2013 biennium budget in accordance with [section 18]. These expenditures may be funded with general fund in the present law base for the 2013 biennium executive budget in accordance with [section 18]."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser,

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Tutvedt, Zinke, Mr. President.  
Total 27

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page 72, line 14.

**Strike:** "\$3.5"

**Insert:** "\$2.5"

2. Page F-1, line 7.

**Strike:** "-200,000            -200,000 [Federal Special Revenue FY 2010 & FY 2011]"

3. Page F-1, line 13.

**Following:** "~~improvements~~"

**Strike:** "REPAYMENT"

**Insert:** "Capital Projects"

4. Page F-1, line 15.

**Strike:** "7,519,000            7,519,000 [Federal Special Revenue FY 2010 & FY 2011]"

**Insert:** "6,519,000            6,519,000 [Federal Special Revenue FY 2010 & FY 2011]"

5. Page F-1, line 16.

**Following:** "e."

**Strike:** "Long-Range Building Program"

**Insert:** "State"

**Following:** "Conservation"

**Strike:** "Improvements"

**Insert:** "Repayment Account"

Amendment adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 30

Nays: Balyeat, Branae, Cooney, Erickson, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 20

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senators Hansen and Laible excused at this time.

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page 53, line 17.  
**Following:** "IMPLEMENT"  
**Strike:** "THE WORKER TRAINING PROGRAM AND"  
**Following:** "BROADBAND"  
**Strike:** "MATCHING GRANT"  
**Insert:** "mapping"

2. Page 64, line 16.  
**Following:** "MAINTENANCE"  
**Insert:** "on school facilities"

3. Page 65, line 4.  
**Following:** "FACILITIES"  
**Strike:** "BECAUSE OF A CALAMITOUS EVENT"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 26

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Hansen, Laible.  
Total 2

Senators Hansen and Laible present at this time.

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page A-8.  
**Following:** line 11  
**Insert:** "Montana Agro-Energy Industrial Park is restricted to grant funding for the development of the Montana Agro-Energy Industrial Park."

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Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hinkle, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Steinbeisser, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 37

Nays: Branae, Hamlett, Hawks, Juneau, Kaufmann, Larsen, Moss, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Keane.  
Total 1

Senator Keane excused at this time.

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page 63, line 14.  
**Following:** "RETAIN"  
**Strike:** "1.25%"  
**Insert:** "1.13%"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 36

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hansen, Juneau, Kaufmann, Larsen, Moss, Schmidt, J. Tropila, M. Tropila, Wanzenried.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page A-5

**Strike:** Lines 7 and 8 in their entirety.  
**Renumber:** Subsequent sections.



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Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 35

Nays: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Juneau, Kaufmann, Moss, Schmidt, Squires, J. Tropila, M. Tropila, Wanzenried.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Wanzenried moved **HB 645**, second reading copy, be amended as follows:

1. Page E-4, following line 3.

**Insert:** "One-time-only funding used to fund the basic and per-ANB entitlement in the 2011 biennium must be included in the base from which the inflation factor in 20-9-326 is calculated by the superintendent of public instruction in preparing and submitting a budget for K-12 public education for the 2013 biennium pursuant to 17-7-111 and 17-7-112. The statewide present law base for purposes of the 2013 biennium executive budget for the at-risk student payment provided in 20-9-328 must be \$10 million."

Amendment **not** adopted as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 23

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Juneau excused at this time.

**HB 645** - Senator Hawks moved **HB 645**, second reading copy, be amended as follows:

1. Page E-7.

**Following:** line 12

**Insert:** "i. Fund College Affordability Plan for the 2011 Biennium  
2,702,558 4,264,330" [general fund FY10 & FY11]

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Amendment **not** adopted as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

Senator Juneau present at this time.

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page A-5, line 5.

**Strike:** "COMMUNITY AND"

2. Page A-5, line 6.

**Strike:** "6,500,000" [General fund FY 10]

**Insert:** "4,500,000" [General fund FY 10]

3. Page A-8, line 14 and line 15.

**Strike:** "COMMUNITY AND" on line 14

**Following:** "GRANTS" on line 14

**Strike:** remainder of line 14 through "\$4,500,000" on line 15

**Insert:** "is"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 28

Nays: Branae, Cooney, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 645** - Senator Laible moved **HB 645**, second reading copy, be amended as follows:

1. Page E-5.

**Following:** line 9

**Insert:** "c. 2-Year Extention Campuses 750,000" [general fund FY10]

2. Page A-5, line 6.

**Strike:** "6,500,000" [general fund FY10]

**Insert:** "5,750,000" [general fund FY10]

Amendment **not** adopted as follows:

Yeas: Barkus, Branae, Cooney, Erickson, Esp, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Laible, Larsen, Schmidt, Windy Boy, Zinke.

Total 15

Nays: Bales, Balyeat, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Hansen, Hinkle, Jackson, Jent, Juneau, Keane, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Mr. President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 645** - Senator Hawks moved **HB 645**, second reading copy, be amended as follows:

1. Page E-3, following line 9.

**Insert:** "k. At-Risk Payment 4,999,999 4,999,999"  
[General Fund FY10 FY11]

2. Page E-4, following line 5.

**Insert:** "The line item At-Risk Payment, along with the At-Risk Payment in House Bill 2, is to be added to school districts' BASE budget and maximum budget in the 2011 biennium."

Amendment **not** adopted as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 23

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 27

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 645** - Senator Balyeat moved **HB 645**, second reading copy, be amended as follows:

1. Page B-6, line 16.

**Strike:** "MENTAL HEALTH CRISIS DIVERSION PILOT PROGRAM"

**Insert:** "Community Mental Health Crisis Services Demonstration Project"

2. Page B-9, line 11.

**Strike:** "MENTAL HEALTH CRISIS DIVERSION PILOT PROGRAM"

**Insert:** "Community Mental Health Crisis Services Demonstration Project"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page 71, line 1.

**Strike:** "BASE aid"

**Insert:** "Stabilization Funding for K-12 Education"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 645** - Senator Williams moved **HB 645**, second reading copy, be amended as follows:

1. Page D-1, line 6.  
**Strike:** "125,000 125,000" [General Fund FY 2010 and FY 2011]  
**Insert:** "247,500 247,500" [General Fund FY 2010 and FY 2011]

Amendment **not** adopted as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 23

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Williams moved **HB 645**, second reading copy, be amended as follows:

1. Page D-1, line 6.  
**Strike:** "125,000 125,000" [General Fund FY 2010 and FY 2011]  
**Insert:** "247,500 247,500" [General Fund FY 2010 and FY 2011]

2. Page D-3, line 3.  
**Strike:** "500,000" [General Fund FY 2010]  
**Insert:** "255,000" [General Fund FY 2010]

Amendment **not** adopted as follows:

Yeas: Balyeat, Branae, Cooney, Erickson, Gillan, Hamlett, Hansen, Hawks, Juneau, Kaufmann, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 19

Nays: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**HB 645** - Senator Black moved **HB 645**, second reading copy, be amended as follows:

1. Page C-2.

**Strike:** line 4 through line 6

**Renumber:** subsequent subsections

2. Page C-3.

**Following:** line 13

**Insert:** "b. Rail Transit Authority 49,354 50,000" [general fund FY10 and FY11]

3. Page C-3.

**Following:** line 16

**Insert:** "If Senate Bill No. 291 is not passed and approved, Rail Transit Authority is void."

Amendment adopted as follows:

Yeas: Barkus, Barrett, Black, Brenden, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hamlett, Hansen, Hinkle, Jackson, Laible, Lewis, Murphy, Perry, Peterson, Ripley, Steinbeisser, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 26

Nays: Bales, Balyeat, Branae, R. Brown, Cooney, Erickson, Gallus, Gillan, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, McGee, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 645** - Senator Kaufmann moved **HB 645**, second reading copy, be amended as follows:

1. Page 14, line 18.

**Strike:** "81"

**Insert:** "82"

2. Page 15, line 15.

**Strike:** "81"

**Insert:** "82"

3. Page 24, line 14.

**Strike:** "81"

**Insert:** "82"

4. Page 24, line 17.

**Strike:** "81"

**Insert:** "82"

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5. Page 63, line 12.

**Strike:** "\$45"

**Insert:** "\$35.9"

6. Page 63, line 13.

**Strike:** "81"

**Insert:** "82"

**Strike:** "\$10" in both places

**Insert:** "\$5.45" in both places

7. Page 63, line 20 through line 21.

**Strike:** "\$100,000 PLUS THE PROPORTIONAL" on line 20

**Insert:** "an equal"

**Following:** "FUNDS" on line 20

**Strike:** remainder of line 20 through "(3)" on line 21

8. Page 64, line 1.

**Strike:** "\$10"

**Insert:** "\$5.45"

9. Page 65, line 7.

**Strike:** "81"

**Insert:** "82"

10. Page 65, line 10.

**Strike:** "81"

**Insert:** "82"

11. Page 71, line 7.

**Strike:** "81"

**Insert:** "82"

12. Page 72, line 6.

**Strike:** "81"

**Insert:** "82"

13. Page 73, line 1.

**Strike:** "81"

**Insert:** "82"

14. Page 73, line 10.

**Strike:** "81"

**Insert:** "82"

15. Page 73, line 17.

**Strike:** "81"

**Insert:** "82"

16. Page 74, line 3.

**Strike:** "81"

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**Insert:** "82"

17. Page 74.

**Following:** line 3

**Insert:** "COORDINATION SECTION. **Section 75. Coordination instruction.** If House Bill No. 676 and [this act] are both passed and approved, then [section 18] of House Bill No. 676, amending 53-4-1004, is void."

**Renumber:** subsequent sections

18. Page 75, line 10.

**Strike:** "81"

**Insert:** "82"

19. Page A-3, line 4.

**Strike:** "3,752,548 3,747,452" [general fund FY10 and FY11]

**Insert:** "2,752,548 2,747,452" [general fund FY10 and FY11]

20. Page A-5, line 4.

**Strike:** "23,000,000" [general fund FY10 and FY11]

**Insert:** "13,874,476" [general fund FY10 and FY11]

21. Page B-6, following line 7.

**Insert:** "g. Healthy Montana Kids (Restricted)"

"5,413,433 5,712,090" [general fund FY10 and FY11]

"18,434,291 19,090,732" [federal special fund FY10 and FY11]

22. Page B-9, following line 8.

**Insert:** "Healthy Montana Kids may be used only to implement the healthy Montana kids program. Funding in Healthy Montana Kids may be distributed among programs when the department develops 2011 biennium operating plans."

Amendment **not** adopted as follows:

Yeas: Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.  
Total 22

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.  
Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 645** - Senator Esp moved **HB 645**, second reading copy, be amended as follows:

1. Page B-8.



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**Following:** line 10

**Insert:** "In granting the funds for Health Information Technology -- 2010-11, the department shall seek a nonprofit entity that is governed by a board of directors made up of members who provide a good geographic and demographic representation of the state and who represent the constituents interested in health care information technology, including but not limited to physicians, health care facilities, insurers, telemedicine providers, and government agencies."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 31

Nays: Branae, Cooney, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 645** - Senator Brueggeman moved **HB 645**, second reading copy, be amended as follows:

1. Page 64, line 1.

**Following:** "OF"

**Insert:** "50% of"

2. Page 64, line 2.

**Following:** "101(2)(C)"

**Insert:** "and a proportional share of 50% of the funds distributed based upon the percentage that the population of each city or town bears to the total population of all cities and towns"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 46

Nays: Juneau, Kaufmann, Moss, Wanzenried.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 645** - Senator M. Tropila moved **HB 645**, second reading copy, be amended as follows:

1. Page E-4.

**Following:** line 5

**Insert:** "MONTANA SCHOOL FOR THE DEAF AND BLIND (5113)

1. Education Program (04)

    a. Special Needs Equipment

        16,507               [general fund FY10] "

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 645** - Senator Esp moved **HB 645**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Stewart-Peregoy, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 27

Nays: Balyeat, Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Larsen, Moss, Schmidt, Shockley, Squires, J. Tropila, M. Tropila, Wanzenried, Williams.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

**MOTIONS**

Senator Hansen moved to change his vote on Amendment # 645-004 from no to yes. Without objection, so ordered.

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Senator Brenden moved to change his vote on Amendment # 645-033 from no to yes. Without objection, so ordered.  
Senator Jent moved to change his vote on Amendment # 645-024 from no to yes. Without objection, so ordered.

Senator Peterson moved the Senate recess until 2:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 2:30 p.m.

Roll Call. All members present, except Senator Tutvedt, excused. Quorum present.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 38**, introduced by Laible, referred to Education and Cultural Resources (by request of Senate Education and Cultural Resources Standing Committee).

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 676** - Senator Bales moved **HB 676** be concurred in.

**HB 676** - Senator Williams moved **HB 676**, second reading copy, be amended as follows:

1. Title, page 1, line 27.

**Strike:** "REVISING THE ALLOCATION OF PREMIUM TAXES;"

2. Title, page 2, line 1.

**Strike:** "33-2-708,"

**Strike:** "53-4-1115,"

3. Page 24, line 17 through page 26, line 5.

**Strike:** section 15 in its entirety

**Renumber:** subsequent sections

4. Page 31, line 12 through line 30.

**Strike:** section 21 in its entirety

**Renumber:** subsequent sections

5. Page 37, line 26.

**Strike:** "26"

**Insert:** "24"

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6. Page 37, line 27.

**Strike:** "26"

**Insert:** "24"

Amendment **not** adopted as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy.

Total 24

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Tutvedt, Zinke, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 676** - Senator Windy Boy moved **HB 676**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "ALTERNATIVES;"

**Insert:** "REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO FOLLOW CULTURAL PROTOCOLS IN GRANTS AND CONTRACTS; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO FORM A CULTURAL ADVISORY COUNCIL TO DETERMINE CULTURAL APPROPRIATENESS FOR INDIAN EDUCATION FOR ALL;"

2. Page 2, line 8.

**Following:** line 7

**Insert:** "NEW SECTION. Section 1. Cultural protocols required. (1) When an employee of the department of public health and human services is implementing state or federal grants or granting contracts and if any criteria of the grants or contracts involves cultural appropriateness and Indian tribes or culture, the employee shall follow a cultural protocol prescribed by the relevant entity described in subsection (2) for the determination of appropriateness regarding tribal cultural property, culture, or Indian subjects associated with or claimed by a prospective grantee or contractor.

(2) An employee of the department shall contact a tribal entity that is involved or referred to in a granting or contracting process, which may include a cultural commission, cultural advisory board, or tribal government, depending on the specific tribal government or a tribal representative designated through a tribal resolution process.

(3) To ensure that tribal governments and the appropriate designated entity are involved in determining cultural appropriateness, an employee of the department shall follow the guiding principles provided in 2-15-142 in cooperating with the entity that designates the cultural protocol."

**Renumber:** subsequent sections

3. Page 21, line 19.

**Following:** line 18

**Insert:** "NEW SECTION. Section 15. Cultural advisory council for Indian education for all. In developing curricula and materials to assist public school districts and to guide use of the Indian education for all payment

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provided for in 20-9-329, the superintendent of public instruction shall form a cultural advisory council to provide recommendations for curriculum decisions for Indian education for all. Each member of the advisory council must be a representative of a reservation or the Little Shell tribe nominated by the tribal council. Curricula regarding a specific tribe or reservation may not be adopted unless approved by the cultural advisory council."

**Renumber:** subsequent sections

4. Page 37, line 26.

**Following:** "instruction."

**Insert:** "(1) [Section 1] is intended to be codified as an integral part of Title 2, chapter 15, part 22, and the provisions of Title 2, chapter 15, part 22, apply to [section 1].

(2) [Section 15] is intended to be codified as an integral part of Title 20, chapter 1, part 5, and the provisions of Title 20, chapter 1, part 5, apply to [section 15].

(3)"

**Strike:** "26"

**Insert:** "28"

5. Page 37, line 27.

**Strike:** "26"

**Insert:** "28"

6. Page 38, line 1.

**Strike:** "7"

**Insert:** "8"

7. Page 38, line 3.

**Strike:** "14"

**Insert:** "16"

8. Page 38, line 6.

**Strike:** "9 THROUGH 11"

**Insert:** "10 through 12"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hinkle, Jackson, Keane, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 32

Nays: Branae, T. Brown, Cooney, Erickson, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larsen, Laslovich, Moss, Schmidt, Squires, M. Tropila, Wanzenried, Williams.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 676** - Senator Hinkle moved **HB 676**, second reading copy, be amended as follows:

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1. Title, page 1, lines 18 through 20.

**Following:** "PLAN;" on line 18

**Strike:** remainder of line 18 through "CONTRACEPTION;" on line 20

2. Title, page 2, line 1.

**Strike:** "53-4-1005,"

3. Page 30, line 9 through line 28.

**Strike:** section 19 in its entirety

4. Page 37, line 26.

**Strike:** "26"

**Insert:** "25"

5. Page 37, line 27.

**Strike:** "26"

**Insert:** "25"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Brenden, R. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Mr. President.

Total 20

Nays: Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 676** - Senator Bales moved **HB 676**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Keane, Laible, Lewis, Murphy, Perry, Peterson, Ripley, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.

Total 26

Nays: Balyeat, Branae, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Larsen, Laslovich, McGee, Moss, Schmidt, Shockley, Squires, M. Tropila, Wanzenried, Williams.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

Senator Zinke assumed the chair.

**HB 5** - Senator Barkus moved **HB 5** be concurred in.

**HB 5** - Senator Barkus moved **HB 5**, second reading copy, be amended as follows:

1. Page 6, line 16.

**Strike:** "(5)"

**Insert:** "(4)"

2. Page 6, line 19.

**Strike:** "(5)"

**Insert:** "(4)"

3. Page 6, line 21.

**Strike:** "(5)"

**Insert:** "(4)"

4. Page 7, line 3 through line 4.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

5. Page 7, line 7.

**Strike:** "(4)"

**Insert:** "(3)"

6. Page 11, line 11.

**Strike:** in both places "9,697,000 [Federal Special Revenue & Total]"

**Insert:** in both places "8,697,000 [Federal Special Revenue & Total]"

7. Page 12, line 10 through line 12.

**Strike:** line 10 through line 12 in their entirety

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0



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Excused: None.  
Total 0

**HB 5** - Senator Barkus moved **HB 5**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Williams, Windy Boy, Zinke, Mr. President.  
Total 45

Nays: Gillan, Juneau, Kaufmann, Moss, Wanzenried.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 10** - Senator Brueggeman moved consideration of **HB 10** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 11** - Senator Brueggeman moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 48

Nays: Balyeat, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 128** - Senator M. Tropila moved **HB 128** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 44

Nays: Balyeat, Brenden, Hinkle, McGee, Shockley, Mr. President.  
Total 6

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 152** - Senator Laible moved **HB 152** be concurred in.

**HB 152** - Senator Branae moved **HB 152**, second reading copy, be amended as follows:

1. Title, line 8.

**Strike:** "AN EQUITABLE FORMULA"

**Insert:** "CRITERIA AND PRIORITIES"

2. Page 2, line 2.

**Following:** "facilities"

**Insert:** "; and

WHEREAS, the Department of Commerce efficiently and effectively administers the Treasure State Endowment Program to assist local governments in funding infrastructure projects; and

WHEREAS, the Legislature seeks to commit ongoing state resources to school facilities by establishing a program to administer the award to public school districts for school facility project grants, matching planning grants, and emergency grants using the Treasure State Endowment Program as a model"

3. Page 2, line 11.

**Strike:** "8"

**Insert:** "9"

4. Page 2, line 14.

**Strike:** "8"

**Insert:** "9"

5. Page 3, line 1.

**Following:** "8"

**Insert:** "9"

6. Page 3, line 22.

**Strike:** "8"

**Insert:** "9"

7. Page 4.

**Following:** line 1

**Insert:** "(a) receive proposals for school facility projects from public school districts;

(b) assist public school districts in preparing cost estimates for projects;"

**Renumber:** subsequent subsections

8. Page 4.

**Following:** line 6

**Insert:** "(d) with the exception of emergency grants and matching planning grants, prepare and submit to the governor a list of recommendations as to projects and the form and amount of financial assistance for each project, prioritized in accordance with the requirements of [section 6];"

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**Renumber:** subsequent subsections

9. Page 4, line 9.

**Following:** "grants;"

**Insert:** ", "

10. Page 4, line 12.

**Strike:** "THE FORMULA PROVIDED FOR IN"

**Insert:** "rules adopted by the department, to public school districts for the planning of school facility projects within the limits of legislative appropriations for this purpose. The department shall prioritize the award of matching planning grants in accordance with the requirements of"

11. Page 4.

**Following:** line 19

**Insert:** "(2) The governor shall review the projects recommended by the department under subsection (1)(d) and submit to the legislature a list of recommendations as to projects and the form and amount of financial assistance for each project."

**Renumber:** subsequent subsections

12. Page 4, lines 20 and 21.

**Strike:** "(2)" on line 20

**Insert:** "(3) (a)"

**Following:** "shall" on line 20

**Strike:** remainder of line 20 through "7]." on line 21

**Insert:** ":

(i) consider the governor's recommendations, approve grants to public school districts for school facility projects, and appropriate money to the department from the account to fund the grants that have been approved, after the deduction of administrative expenses by the department; and

(ii) authorize funding and appropriate money to the department from the account to be awarded to public school districts by the department for matching planning grants and emergency grants, after the deduction of administrative expenses by the department.

(b) Grants approved by the legislature are dependent on the availability of funds and will be made available by the department in the order that the grant recipient satisfies the conditions described in [section 7]."

13. Page 5, line 29 through page 6, line 3.

**Strike:** section 6 in its entirety

**"NEW SECTION. Section 6. Priorities for projects -- application of criteria -- consideration of project attributes -- adjustments for educationally relevant factors.** (1) In preparing recommendations to the governor under [section 5], the department shall apply the following criteria to applications for school facility projects in the listed order of priority:

(a) projects that solve urgent and serious public health or safety problems or that enable public school districts to meet state or federal health or safety standards;

(b) projects that provide improvements necessary to bring school facilities up to current local, state, and federal codes and standards;

(c) projects that enhance a public school district's ability to offer specific services related to the requirements of the accreditation standards provided for in 20-7-111;

(d) projects that provide long-term, cost-effective benefits through energy-efficient design;

(e) projects that incorporate long-term, cost-effective benefits to school facilities, including the technology needs of school facilities; and

(f) projects that enhance educational opportunities for students.

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(2) In applying the criteria under subsection (1), the department shall consider, without preference or priority, the following attributes of a school facility project application:

- (a) the need for financial assistance;
  - (b) the fiscal capacity of the public school district to meet the conditions established in [section 7];
  - (c) past efforts to ensure sound, effective, long-term planning and management of the school facility and attempts to address school facility needs with local resources;
  - (d) the ability to obtain funds from sources other than the funds provided under [sections 1 through 9]; and
  - (e) the importance of the project and support for the project from the community.
- (3) Before making its recommendations to the governor, the department may make adjustments to its ranking of the projects based on the educationally relevant factors established in 20-9-309. Before making any adjustments, the department may consult with the office of public instruction concerning the educationally relevant factors.

14. Page 6.

**Following:** line 6

**Insert:** "(1) A grant agreement must be executed between the department and the grant recipient.

(2) The scope of work and budget for the project must be consistent with the application submitted by the grant recipient, reviewed by the department, and approved by the legislature. The department will consider requests to reduce the scope of a project in accordance with rules adopted by the department."

**Renumber:** subsequent subsections

15. Page 6.

**Following:** line 19

**Insert:** "(6) The grant recipient shall satisfy other specific requirements considered necessary by the department to accomplish the purpose of the project as described in the application to the department."

16. Page 6.

**Following:** line 29

**Insert:** "NEW SECTION. **Section 8. Disbursement of funds -- department discretion when actual expenses are less than projected expenses.** (1) The department shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

(2) If actual project expenses are lower than the projected project expenses, the department may, at its discretion:

- (a) direct an outright or partial reduction in the amount of grant funds provided to the grant recipient; or
- (b) allow the use of the remaining authorized program grant amounts for the completion of additional school facility improvements directly related to the approved school facility project that will further enhance the school facility."

**Renumber:** subsequent sections

17. Page 7, lines 2 and 3.

**Strike:** "8" on line 2

**Insert:** "9"

**Following:** "~~regarding:~~" on line 2

**Strike:** remainder of line 2 through "ACCOMPLISHED." on line 3

**Insert:** " rules regarding:

- (1) application guidelines and deadlines;
- (2) the evaluation process and ranking of applications;
- (3) grant award conditions, including requirements for matching funds;
- (4) scope and procedures for the award of matching planning grants and emergency grants;
- (5) amendments to grant awards; and
- (6) grant administration, including but not limited to requirements for:

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- (a) the project's startup;
- (b) compliance with other federal, state, or local laws, regulations, or requirements;
- (c) financial management related to the project;
- (d) property acquisition;
- (e) project and grant management;
- (f) project monitoring; and
- (g) project closeout procedures."

18. Page 7, line 19.

**Following:** "~~proposals~~,"

**Insert:** "after receiving and evaluating proposals,"

19. Page 7, line 20.

**Strike:** "SHALL"

**Insert:** "may"

20. Page 7, line 23.

**Strike:** "7"

**Insert:** "8"

**Strike:** "8"

**Insert:** "9"

21. Page 9, line 30.

**Following:** "~~and~~"

**Insert:** "and"

22. Page 10, lines 1 and 2.

**Following:** "77-4-208" on line 1

**Strike:** remainder of line 1 through "ACCOUNT" on line 2

23. Page 11, line 17.

**Strike:** "8"

**Insert:** "9"

24. Page 11, line 19.

**Strike:** "8"

**Insert:** "9"

25. Page 11, line 29.

**Strike:** "17"

**Insert:** "18"

Amendment adopted as follows:

Yeas: Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.

Total 26

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt,

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Hinkle, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Steinbeisser, Tutvedt, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 152** - Senator Hawks moved **HB 152**, second reading copy, be amended as follows:

1. Page 11, lines 29 and 30.

**Following:** "payments" on line 29

**Strike:** remainder of line 29 through "2010" on line 30

**Insert:** "beginning January 1, 2011"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 49

Nays: Ripley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 152** - Senator Laible moved **HB 152**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barrett, Black, Branae, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke.  
Total 38

Nays: Balyeat, Barkus, Brenden, Curtiss, Esp, Essmann, Hinkle, Jackson, McGee, Ripley, Tutvedt, Mr. President.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 224** - Senator Lewis moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Barrett, Branae, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brenden, R. Brown, Curtiss, Esp, Hinkle, Jackson, Laible, Ripley, Shockley, Steinbeisser, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 258** - Senator Larsen moved **HB 258** be concurred in. Motion carried as follows:

Yeas: Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Moss, Peterson, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 34

Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Laible, Lewis, McGee, Murphy, Perry, Ripley, Schmidt, Shockley, Mr. President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 459** - Senator Hawks moved **HB 459** be concurred in.

**HB 459** - Senator Hawks moved **HB 459**, second reading copy, be amended as follows:

1. Page 1, lines 17 and 18.

**Following:** "all"

**Insert:** "school-age children through"

**Following:** "districts"

**Strike:** "AND STUDENTS REGISTERING WITH A COUNTY SUPERINTENDENT"

Amendment adopted as follows:

Yeas: Barrett, Black, Branae, Brueggeman, Cooney, Erickson, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Perry, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.  
Total 34

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Nays: Bales, Balyeat, Barkus, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Hinkle, Jackson, Laible, McGee, Murphy, Peterson, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 459** - Senator Hawks moved **HB 459**, as amended, be concurred in. Motion carried as follows:

Yeas: Barrett, Black, Branae, Brueggeman, Cooney, Erickson, Gallus, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Larsen, Laslovich, Lewis, Moss, Ripley, Schmidt, Squires, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke.

Total 30

Nays: Bales, Balyeat, Barkus, Brenden, R. Brown, T. Brown, Curtiss, Esp, Essmann, Gebhardt, Hinkle, Jackson, Laible, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 464** - Senator T. Brown moved **HB 464** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 46

Nays: Erickson, Essmann, Hinkle, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 331** - Senator Gebhardt moved **HB 331** be concurred in.

**HB 331** - Senator Jackson moved **HB 331**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

**Following:** "~~50-50-102,~~"

**Insert:** "50-50-103,"



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**Strike:** "50-50-305,"

**Strike:** "50-51-303,"

2. Title, page 1, line 7.

**Strike:** "50-52-302,"

**Insert:** "AND"

**Strike:** "AND 50-57-305,"

3. Page 1, line 11 through page 10, line 11.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 50-50-103, MCA, is amended to read:

**"50-50-103. Department authorized to adopt rules -- advisory council.** (1) To protect public health, the department may adopt rules relating to the operation of establishments defined in 50-50-102, including coverage of food, personnel, food equipment and utensils, sanitary facilities and controls, construction and fixtures, and housekeeping.

(2) (a) The department and local health authorities may not adopt rules prohibiting the sale of baked goods and preserves by nonprofit organizations or by persons at farmer's markets.

(b) The department and local health authorities may not require that foods sold pursuant to this subsection (2) be prepared in certified or commercial kitchens.

(3) (a) The department shall ~~use~~ establish a food safety task force or advisory council to assist in the development of administrative rules or to review any proposed legislation related to the provisions of this chapter.

(b) The task force or advisory council must be composed of equal numbers of representatives of the food establishments and representatives of state and local government.

(c) ~~Administrative~~ The department shall present administrative rules and any legislation to be proposed by the department must be presented to the task force or advisory council prior to its proposal or introduction. When the department learns of proposed legislation related to the provisions of this chapter that has not been proposed by the department, the department shall provide copies of that legislation for review by the task force or advisory council and shall provide to the legislature any comments of the task force or advisory council."

**Insert:** "Section 2. Section 50-50-205, MCA, is amended to read:

**"50-50-205. License fee -- late fee -- preemption of local authority -- exception.** (1) (a) ~~Except as provided in subsection (1)(b), for each license issued, the~~ The department shall collect for each license issued or renewed a fee of \$90 as provided in subsection (1)(b). It shall deposit 90% of ~~Of the fees collected under this section, 90% must be deposited into the local board inspection fund account created in 50-2-108, 5% of the fees into the general fund, and 5% of the fees into the account provided for in 50-50-216.~~

(b) ~~For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a):~~

(b) License fees are:

(i) \$60 annually for a carryout only or mobile establishment that has less than 12 square feet of preparation area;

(ii) \$90 annually for an establishment that has an occupancy space for 10 or fewer customers, an establishment that provides catering services but serves no meals onsite, or an establishment that has more than 12 square feet of preparation area and otherwise qualifies under subsection (1)(b)(i);

(iii) \$110 annually for an establishment that has an occupancy space for 11 to 60 customers; or

(iv) \$120 annually for an establishment that has an occupancy space for more than 60 customers.

(2) (a) In addition to the license fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of the licensee's current license and who operates an establishment governed by this part in the next licensing year.

(b) The late fee is \$25 and must be deposited in the account provided for in 50-50-216.

(3) A county or other local government may not impose an inspection fee or charge in addition to the fee provided for in subsection (1) unless a violation of this chapter or rule persists and is not corrected after two visits

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to the establishment.

(4) The fees in subsections (1) and (2) may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party. However, the discounting of license fees may not reduce the fees paid into the local board inspection fund account established in 50-2-108."

**Insert: "Section 3.** Section 50-51-204, MCA, is amended to read:

**"50-51-204. License fee -- late fee.** (1) ~~(a) There shall be paid to the department with each application for such~~ The department shall collect fees for each license required under 50-51-201 or for each annual license renewal ~~of such license an annual license fee of \$40 as provided in subsection (1)(b).~~ The department shall deposit 85% of the fees collected under this section into the local board inspection fund account created in 50-2-108, 11.25% of the fees into the general fund, and 3.75% of the fees into the account provided for in 50-51-110.

~~(b) Initial and renewal license fees are:~~

~~(i) \$40 annually for an establishment with no more than 10 rooms available for rental;~~

~~(ii) \$80 annually for an establishment with more than 10 but not more than 25 rooms available for rental; and~~

~~(iii) \$160 annually for an establishment with more than 25 rooms available for rental.~~

(2) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of ~~his~~ the licensee's current license and who operates an establishment governed by this part in the next licensing year.

~~(b) The late fee is \$25 and must be deposited in the account provided for in 50-51-110."~~

**Insert: "Section 4.** Section 50-52-202, MCA, is amended to read:

**"50-52-202. License fee -- late fee.** (1) (a) Each application ~~shall~~ for a new license required under 50-52-103 or a license renewal must be accompanied by a fee of \$40 as provided in subsection (1)(b).

~~(b) License fees are:~~

~~(i) \$40 annually for a campground or trailer court with no more than 10 spaces available for rental;~~

~~(ii) \$60 annually for a campground or trailer court with more than 10 but not more than 25 spaces available for rental; and~~

~~(iii) \$120 annually for a campground or trailer court with more than 25 spaces available for rental.~~

(2) ~~The~~ Of the fees collected under subsection (1), the department shall deposit 85% ~~of the fees collected under subsection (1)~~ into the local board inspection fund account created in 50-2-108, 11.25% ~~of the fees~~ into the general fund, and 3.75% ~~of the fees collected under subsection (1)~~ into the account provided for in 50-52-210.

(3) (a) In addition to the license renewal fee required under subsection (1), the department shall collect a late fee of \$25 from any licensee who has failed to submit a license renewal fee prior to the expiration of ~~his~~ the licensee's current license and who operates an establishment governed by this part in the next licensing year.

~~(b) The late fee is \$25 and must be deposited in the account provided for in 50-52-210."~~

**Insert: "Section 5.** Section 50-57-205, MCA, is amended to read:

**"50-57-205. License fee -- late renewal fee -- allocation of fees.** (1) For each annual license issued or renewed, the department shall collect a fee of \$90. ~~For an operation containing an establishment and a retail food establishment, as provided in 50-57-201(3), the department shall collect one fee of \$90 for each license as provided in subsection (2).~~

(2) (a) Except as provided in subsection (2)(b), a license fee is \$90 annually for an establishment that occupies less than 5,000 square feet of retail space and \$160 annually for an establishment that occupies 5,000 or more square feet of retail space.

(b) The fees for separate types of establishments on the same premises and under the same management are the total of the fees required for each establishment, whether one license is issued as provided in 50-57-201(2) or separate licenses are issued as provided in 50-57-201(3).

~~(2)(3)~~ A person operating an establishment who fails to renew a license by the expiration date provided in 50-57-206 and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection ~~(1)~~ (2). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

~~(3)(4)~~ The department shall deposit the annual fees collected under subsection ~~(1)~~ (2) as follows:

(a) 90% into the state special revenue fund to the credit of the local board inspection fund account, created

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in 50-2-108;

(b) 5% into the general fund; and

(c) 5% into the account created in 50-57-213 in the state special revenue fund.

~~(4)~~(5) The department shall deposit all of the fees collected under subsection ~~(2)~~(3) into the account created by 50-57-213 in the state special revenue fund.""

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Juneau, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Cooney, Erickson, Hansen, Kaufmann, M. Tropila.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 331** - Senator Gebhardt moved **HB 331**, as amended, be concurred in. Motion carried as follows:

Yeas: Branae, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Jent, Juneau, Kaufmann, Keane, Laslovich, McGee, Moss, Murphy, Peterson, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, J. Tropila, Wanzenried, Williams, Windy Boy, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Barrett, Black, Brenden, R. Brown, Curtiss, Esp, Hinkle, Jackson, Laible, Larsen, Lewis, Perry, Steinbeisser, M. Tropila, Tutvedt, Zinke.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 10** - Senator Brueggeman moved **HB 10** be concurred in.

**HB 10** - Senator Brueggeman moved **HB 10**, second reading copy, be amended as follows:

1. Page 3, line 14 through line 15.

**Following:** "RISK,"

**Strike:** remainder of line 14 through "MUST" on line 15

**Insert:** "a scoring preference for bidders of not less than 10% of the total scoring for the request for proposals for the unemployment insurance tax modernization project must be established and may be given only to vendors who"

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2. Page 3, line 15 through line 16.

**Following:** "PROJECT,"

**Strike:** remainder of line 15 through "MEET" on line 16

**Insert:** "that meets"

3. Page 3, line 16.

**Following:** "REQUIREMENTS."

**Insert:** "In responding to the request for proposals, each vendor shall identify in what states the vendor's substantially similar project has been installed, how long it has been in production, and whether the project meets all federal department of labor reporting requirements."

4. Page 4, line 1 through line 2.

**Following:** "MUST HAVE"

**Strike:** remainder of line 1 through line 2 in their entirety

**Insert:** "experience, proven performance, corporate resources, and corporate qualifications in large-scale data processing system development along with health care claims processing experience in system planning, design, development, implementation, and operation. In responding to the request for proposals, each vendor shall identify whether the vendor's proposed solution is substantially similar to a project that has been installed in another state, how long the project has been in production, and whether the project has been approved by the centers for medicare and medicaid services."

Amendment adopted as follows:

Yeas: Bales, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Jent excused at this time.

**HB 10** - Senator Brueggeman moved **HB 10**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barrett, Black, Branae, T. Brown, Brueggeman, Cooney, Erickson, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 37

Nays: Balyeat, Barkus, Brenden, R. Brown, Curtiss, Esp, Hinkle, Jackson, Juneau, McGee, Shockley, Tutvedt.

Total 12

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Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

Senator Peterson moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Peterson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Zinke in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 578** - Senator Hinkle moved **HB 578** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Cooney, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Larsen, Laslovich, Lewis, McGee, Moss, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, M. Tropila, Tutvedt, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 629** - Senator Story moved **HB 629** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Barrett, Black, Branae, Brenden, R. Brown, T. Brown, Brueggeman, Curtiss, Erickson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hamlett, Hinkle, Jackson, Jent, Keane, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ripley, Schmidt, Shockley, Squires, Steinbeisser, Stewart-Peregoy, J. Tropila, Tutvedt, Windy Boy, Zinke, Mr. President.  
Total 40

Nays: Cooney, Hansen, Hawks, Juneau, Kaufmann, Larsen, Moss, M. Tropila, Wanzenried, Williams.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 659** - Senator Brueggeman moved **HB 659** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barrett, Branae, T. Brown, Brueggeman, Cooney, Curtiss, Esp, Gallus, Gillan, Hamlett, Hansen, Hawks, Hinkle, Jent, Kaufmann, Larsen, Laslovich, Lewis, Moss, Perry, Ripley, Schmidt, Shockley, Squires, Stewart-Peregoy, M. Tropila, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.  
Total 32

Nays: Bales, Barkus, Black, Brenden, R. Brown, Erickson, Essmann, Gebhardt, Jackson, Juneau, Keane, Laible, McGee, Murphy, Peterson, Steinbeisser, J. Tropila, Tutvedt.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Peterson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Story in the chair. Chairman Zinke moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Peterson moved that the Senate adjourn until 10:00 a.m., Wednesday, April 15, 2009. Motion carried.

Senate adjourned at 6:37 p.m.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate